

BEFORE THE

To: The Commission

JOINT COMMENTS OF

Greater Media, Inc. (“*Greater Media*”) and Entercom Communications Corp.

¹ Public Notice – *Consumer & Governmental Affairs Bureau Reference Information Center Petition for Rulemakings Filed*, PN Report No. 2735 (rel. Oct. 21, 2005).

Greater Media and Entercom, through their licensee subsidiaries, operate a total of more than 120 AM and FM stations combined in more than 20 markets across the United States. Each company has been and continues to be active in encouraging the more efficient use of the broadcast spectrum and the development of digital radio and new technologies to improve operations in the radio broadcasting industry and the quality of service provided to the public.

In general, AM radio is regulated through a complex contour-based allocation scheme. The FCC has imposed numerous evaluation criteria based on service areas and the proximity of interfering contours to determine the permissible operational parameters of each AM station, including its location, operating power (which is determined by a multitude of factors, such as the unique conductivity of the ground in the immediate area of each station and the separate groundwave propagation during daytime hours and skywave propagation during nighttime hours), the requirement for and the nature of directional antenna patterns that may be necessary to maintain adequate interference protection to other stations that may be located hundreds of miles away, and other matters. Petitioners propose to ignore all of these concerns and to rely instead solely on an ill-conceived and naively simplistic overlay of an arbitrary distance-based allocation scheme that they claim will afford protection to licensed AM stations. AM is not FM. Given the unique radiation parameters of each AM station, a simple mileage-based scheme can not provide protection to licensed facilities: a single 50-watt low power AM station, allocated under the suggested mileage separation scheme, could readily wipe out much of the skywave service area of a class A station and a substantial portion of the interference-free groundwave service area of a station of any other class.

The Commission has consistently recognized that the AM band is overcrowded and that

existing AM stations experience significant interference.² In 1991, after a lengthy and comprehensive proceeding, the Commission opened up new spectrum above the then existing AM frequency band for the express purpose of reducing destructive interference within the AM band.³ It would be highly counter-productive at this stage to take any steps that would inevitably *increase* interference within the AM band by the introduction of a plethora of low power AM facilities into the already overcrowded allocation “soup” of the AM band. Moreover, for *existing* AM stations seeking a change in facilities, the Commission has imposed highly restrictive requirements, such as more stringent “go/no-go” prohibited overlap parameters for stations on first adjacent channels and a 10% “ratchet clause” requiring a reduction in radiation on certain azimuths for stations proposing nighttime facility improvements, to further reduce interference among licensed AM stations. The establishment of numerous new low power AM operations would certainly impede any progress the Commission has made to resolve AM interference issues, and likely would exacerbate the existing problem – resulting in the precise overcrowding and interference the Commission sought to avoid through the AM Expanded Band Proceeding and the institution of restrictive regulatory techniques.

Only 6 years ago, the Commission considered a low power AM proposal advanced by some of the commenters in the proceeding establishing low power FM stations. The

² See *Creation of Low Power Radio Service*, Report and Order, 15 FCC Rcd 2205, 2227 (2000); see also *Review of the Technical Assignment Criteria for the AM Broadcast Service*, Report and Order, 6 FCC Rcd 6273 (1991) (subsequent history omitted) (“*AM Expanded Band Proceeding*”)

³ See *Review of the Technical Assignment Criteria for the AM Broadcast Service*, Notice of Proposed Rule Making, 5 FCC Rcd 4381, 4388 (1991) (“[S]ome [commenters] suggested that channels in the expanded band should be reserved for use by daytimers, minorities and public radio stations. Although the arguments for such reservations are not without merit, we believe that the most efficient use of the expanded band is to resolve interference problems of the existing band.”)

Commission concluded that “[t]he interference potential and present congestion in the AM band, where many stations currently experience significant interference and degraded reception, make it a poor choice for a new radio service.”⁴ The congestion and prevalence of interference within the AM band has not improved since that decision, and the Commission’s concern over the damage that low power AM facilities would pose to licensed AM stations and to the public interest remains as valid today as it was then. In fact, beyond the concerns relating to analog AM stations, the implementation of digital in-band, on-channel radio, which has only just recently begun, could suffer tremendously from the authorization of new AM low power operations.

Even if there were some merit to the principle underlying Petitioners’ request – that there is a compelling need for new local radio service, an assertion that Greater Media and Entercom strongly dispute⁵ -- the Commission recognizes that low power stations are an inefficient tool for advancing additional service.⁶ By their nature, low power stations typically offer only minimal service while at the same time creating large areas of preclusionary and sometimes destructive interference. The discontinuance of the issuance of new class D FM station authorizations was an example of a situation where “islands of service” caused “oceans of interference,” causing the Commission to prohibit the creation of any additional such stations.⁷

⁴ *Creation of Low Power Radio Service*, Notice of Proposed Rulemaking, 14 FCC Rcd 2471, 2478 (1999).

⁵ The subsidiary licensees of Greater Media and Entercom each individually filed extensive comments in response to the Commission’s Notice of Inquiry on broadcast localism, establishing the extensive local programming provided by each in their respective markets. *See Broadcast Localism*, Notice of Inquiry, 14 FCC Rcd 14245 (2004).

⁶ *See, e.g., Changes in the Rules Relating to Noncommercial Educational FM Broadcast Stations*, 44 RR2d 235 (1978).

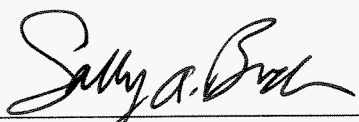
⁷ *Id.* at ¶¶ 17, 24.

Petitioners' proposal of a low power AM service is ill-conceived and fatally flawed. It is folly to think that creating potentially hundreds of new interfering stations in the already overcrowded AM spectrum will accomplish anything other than the further deterioration of existing service. The AM service remains in desperate need of measures to *reduce* interference. This proposal would be a tremendously unwise and unnecessary reversal of numerous actions designed to accomplish that end.

Respectfully submitted,

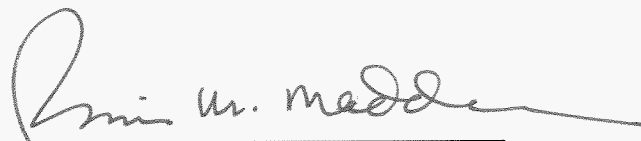
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